

## REMARKS

Assignee thanks Examiner Parra for the interview on 9-8-2010, and the indication that the proposed amendments overcome the cited references. In this reply, claims 1, 2, 5, 6, 19-22, 25, 26, 34, and 35 have been amended. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the amendments and the following remarks.

### **35 U.S.C. § 103 Rejection**

Claims 1, 2, 4-6, 8-10, 12-22, 24-27, and 29-36 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,445,907 to Middeke in view of U.S. Patent No. 6,754,908 to Medvinsky, in further view of U.S. Patent Publication No. 2010/0011246 to Ly, and that combination in still further view of U.S. Patent No. 6,546,419 to Humpleman. These rejections are hereby respectfully traversed.

Independent claims 1 and 21 have been amended to recite that if the first diagnostic agent is functional, receiving a command in the first diagnostic agent to perform at least one of upgrading an operating system in the media distribution device and performing a remedial action related to the network connection, in response to a determination that the network connection is not functional, and if the first diagnostic agent is not functional, uploading a second diagnostic agent to the media distribution device, in response to the first diagnostic agent not being functional.

Middeke discloses a microprocessor gathering diagnostic information associated with a satellite receiver, but not that the microprocessor within the satellite receiver gathers diagnostic information associated with any other devices. Medvinsky discloses detecting modifications to information within a content receiver. Ly discloses a network device for use in a communication system having a technical support center operated by a technical support staff, the technical support center being in communication with the network device through a packet switching network. Humpleman discloses a method and system for performing a service on a home network having a plurality of home devices connected thereto. However, Middeke in view of Medvinsky, further in view of Ly, and still further in view of Humpleman fails to disclose that if

the first diagnostic agent is functional, receiving a command in the first diagnostic agent to perform at least one of upgrading an operating system in the media distribution device and performing a remedial action related to the network connection, in response to a determination that the network connection is not functional, and if the first diagnostic agent is not functional, uploading a second diagnostic agent to the media distribution device, in response to the first diagnostic agent not being functional. Therefore, claim 1 is believed to be allowable as are claims 2, 4-5, 22, 24, and 34-36 that depend from claim 1 or 21.

Independent claims 6 and 20 been amended to recite that the first intelligent diagnostic agent receives a command to perform at least one of upgrading an operating system in media distribution device and performing a remedial action related to the communication link, in response to a determination that the first intelligent diagnostic agent is functional and that the communication link is not functional, and that the diagnostic service center removes the first intelligent diagnostic agent when the first intelligent diagnostic is not functional, and uploads a second intelligent diagnostic agent in response to the first intelligent diagnostic not being functional.

Middeke discloses a microprocessor gathering diagnostic information associated with a satellite receiver, but not that the microprocessor within the satellite receiver gathers diagnostic information associated with any other devices. Medvinsky discloses detecting modifications to information within a content receiver. Ly discloses a network device for use in a communication system having a technical support center operated by a technical support staff, the technical support center being in communication with the network device through a packet switching network. Humpleman discloses a method and system for performing a service on a home network having a plurality of home devices connected thereto. However, Middeke in view of Medvinsky, further in view of Ly, and still further in view of Humpleman fails to disclose that the first intelligent diagnostic agent receives a command to perform at least one of upgrading an operating system in media distribution device and performing a remedial action related to the communication link, in response to a determination that the first intelligent diagnostic agent is functional and that the communication link is not functional, and that the diagnostic service center removes the first intelligent diagnostic agent when the first intelligent diagnostic is not

functional, and uploads a second intelligent diagnostic agent in response to the first intelligent diagnostic not being functional. Therefore, claims 6 and 20 are believed to be allowable as are claims 8-10, and 12-19 that depend from claim 6.

Independent claim 25 has been amended to recite that the intelligent diagnostic agent is uploaded to the media distribution device is response to detecting a performance problem and wherein the intelligent diagnostic agent receives a command to perform at least one of upgrading an operating system in the media distribution device and performing a remedial action related to the communication link, in response to a determination that the communication link is not functional, and that the intelligent diagnostic agent is removed from the media distribution device when a determination is made that the intelligent agent is not functional.

Middeke discloses a microprocessor gathering diagnostic information associated with a satellite receiver, but not that the microprocessor within the satellite receiver gathers diagnostic information associated with any other devices. Medvinsky discloses detecting modifications to information within a content receiver. Ly discloses a network device for use in a communication system having a technical support center operated by a technical support staff, the technical support center being in communication with the network device through a packet switching network. Humpleman discloses a method and system for performing a service on a home network having a plurality of home devices connected thereto. However, Middeke in view of Medvinsky, further in view of Ly, and still further in view of Humpleman fails to disclose that the intelligent diagnostic agent is uploaded to the media distribution device is response to detecting a performance problem and wherein the intelligent diagnostic agent receives a command to perform at least one of upgrading an operating system in the media distribution device and performing a remedial action related to the communication link, in response to a determination that the communication link is not functional, and that the intelligent diagnostic agent is removed from the media distribution device when a determination is made that the intelligent agent is not functional. Therefore, claim 25 is believed to be allowable.

Independent claim 26 has been amended to recite that the first diagnostic software agent receives a command to perform at least one of upgrading an operating system in the media distribution device, performing a first remedial action related to the network connection, and

performing a second remedial action related to a performance problem with both the media distribution device and a hub located at the remote site and not physically connected to the-media distribution device, in response to a determination that the network connection is not functional, determining that the first diagnostic software agent is not functional, and deleting the first diagnostic software agent from the media distribution device at the remote site, in response to the first diagnostic software agent not being functional.

Middeke discloses a microprocessor gathering diagnostic information associated with a satellite receiver, but not that the microprocessor within the satellite receiver gathers diagnostic information associated with any other devices. Medvinsky discloses detecting modifications to information within a content receiver. Ly discloses a network device for use in a communication system having a technical support center operated by a technical support staff, the technical support center being in communication with the network device through a packet switching network. Humpleman discloses a method and system for performing a service on a home network having a plurality of home devices connected thereto. However, Middeke in view of Medvinsky, further in view of Ly, and still further in view of Humpleman fails to disclose that the first diagnostic software agent receives a command to perform at least one of upgrading an operating system in the media distribution device, performing a first remedial action related to the network connection, and performing a second remedial action related to a performance problem with both the media distribution device and a hub located at the remote site and not physically connected to the-media distribution device, in response to a determination that the network connection is not functional, determining that the first diagnostic software agent is not functional, and deleting the first diagnostic software agent from the media distribution device at the remote site, in response to the first diagnostic software agent not being functional. Therefore, claim 26 is believed to be allowable as are claims 27 and 29-33 that depend from claim 26.

**CONCLUSION**

This application is believed to be in condition for allowance, and such action is respectfully requested. The Examiner is respectfully requested to telephone the undersigned with any remaining comments or questions. Assignee does not believe that additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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